

**AMENDMENT TO THE RULES COMMITTEE PRINT**  
**FOR H.R. 4909**  
**OFFERED BY MR. HUNTER OF CALIFORNIA**

At the end of subtitle C of title VIII (page 304,  
after line 25), insert the following new section:

**1 SEC. 826. FURTHER REVISIONS TO DEFINITION OF COM-**  
**2 MERCIAL ITEM.**

**3 (a) AMENDMENTS.**—Section 103 of title 41, United  
**4 States Code, is further amended—**

**5 (1) in paragraph (1)(A)—**

**6 (A) by striking “customarily”; and**

**7 (B) by striking “and” at the end and in-**  
**8 serting “or”;**

**9 (2) in paragraph (1)(B), by inserting “is of a**  
**10 type that” before “has been sold,”;**

**11 (3) in paragraph (3)(B), by inserting before the**  
**12 semicolon at the end the following: “, if the modified**  
**13 item retains a predominance or preponderance of**  
**14 nongovernmental functions or essential physical**  
**15 characteristics”;**

**16 (4) in paragraph (5)(A), by inserting after**  
**17 “those services are” the following: “offered or sold”;**  
**18 and**

1           (5) in paragraph (6), by striking “services of-  
2           ferred and sold competitively, in substantial quan-  
3           tities,” and inserting “any item or service offered or  
4           sold competitively”.

5           (b) RELATIONSHIP TO CERTAIN TITLE 10 PROVI-  
6           SIONS.—The amendments made by this section shall not  
7           be construed as affecting the meaning of the term “com-  
8           mercial item” under subsection (a)(5) of section 2464 of  
9           title 10, United States Code, or any requirement under  
10          subsection (a)(3) or subsection (c) of such section, or the  
11          percentage limitation under subsection (a) of section 2466  
12          of such title.

